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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,139	01/20/2004	Thomas R. Gumz	303606.3000-100	8821

7590 11/14/2006

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EXAMINER

BLACKWELL, JAMES H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,139	GUMZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Blackwell	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to an amendment filed 08/31/2006 with a priority date of **01/20/2004**.
2. Claims 1-2, 4-12, and 14-20 are currently pending. Claims 1, 6, 12, 14, and 17 are independent claims. Claims 3 and 13 have been incorporated into Claims 1 and 12 and have been cancelled.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is directed to non-statutory subject matter. Specifically, the use of the term "transmission" in this context would not appear to be any of: interconnected mechanical and/or electromechanical components which cooperate to accomplish some function so as to constitute a machine; a tangible, physical article or object which enables the functionality of the instructions to be realized so as to constitute a manufacture; a series of steps or acts so as to constitute a process; nor a combination of two or more substances so as to constitute a composition of matter. Claim 14 is therefore non-statutory.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard et al. (hereinafter Leonard, U.S. Patent Application Publication No. 2002/0046109 filed 07/19/2001, published 04/18/2002) in view of Murren et al. (hereinafter Murren, U.S. Patent Application Publication no. 2004/0205525 filed 04/30/2001, published 10/14/2004).

In regard to independent Claim 1, Leonard teaches *receiving said document comprising a plurality of tags, at least one of said tags being a custom tag; parsing said document to determine if certain of said plurality is said custom tag* (Paragraphs [0047-0048]; discloses a client searching the content of HTML documents or "pages" displayed on the client computer system and detects (parsing) special text embedded in a comment block or "data island" of the HTML "page"). Murren more specifically discloses customized tagging in an HTML form prototype, locating the tag (ctag) as well as replacing with executables (Paragraphs [0105-0109]) for subsequent validation of form inputs.

Leonard fails to teach the limitations of *inserting executable instructions into said document at a location of said custom tag if said custom tag is present; executing said instructions; and rendering said document on a display device*. However,

Murren discloses, as illustrated in Fig. 8 a system that processes forms identifying custom tags that are replaced by executable code to perform form validation on the client (see Paragraphs [0105-0109]). The form is then rendered and presented containing form inputs with associated validation executable coding.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Leonard and Murren as both inventions relate to processing specialized tags on a client system. Adding the teaching of Murren provides the benefit of associating executable code with special tagging and executing that code to produce displayable output to a browser thus replacing the special tags with content or other functions.

**In regard to dependent Claim 2 (and similarly Claims 7, 15, and 18), Leonard** teaches that *said markup language is HTML* (e.g., Paragraph [0038]; embedded special instructions in an HTML document processed by a browser extension on the client).

**In regard to dependent Claim 4, Leonard** teaches that *said document is received over the internet* (Paragraph [0035]).

**In regard to dependent Claim 5 (and similarly dependent Claim 11), Leonard** teaches *the step of rendering further comprises using a browser* (Paragraph [0061]).

**In regard to independent Claim 6 (and similarly independent Claims 12, 14, and 17), Claim 6 (and similarly Claim 12, 14, and 17) reflect the method of operating on a client computer for loading a markup language document, as claimed in Claims 1 and 3, and is rejected along the same rationale.**

**In regard to dependent Claim 8 (and similarly dependent Claim 19), Leonard** teaches that *said receiving computer is a client computer* (Paragraph [0053]).

**In regard to dependent Claim 9 (and similarly dependent Claim 20), Leonard** teaches *a server providing said document to said network* (Paragraph [0053]).

**In regard to dependent Claim 10 (and similarly dependent Claim 16), Leonard** teaches that *said network is an Internet protocol (IP) network* (Paragraph [0024]).

***Response to Arguments***

6. Applicant argues that the prior art of Leonard and Welch fail to disclose the limitation of associating executable instructions with a custom tag or inserting instructions into a document at a location of the custom tag. The Examiner agrees and withdraws the rejection. However, upon further search, Examiner identified and applied the prior art of Murren et al. in combination with Leonard to teach the amended limitation.

***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell  
11/08/2006



**Doug Hutton**  
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